

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES DRISCOLL SMITH,

Plaintiff,

v.

HENLEY, et al.,

Defendants.

Case No.: 3:24-cv-00456-MMD-CSD

ORDER

State prisoner James Smith has submitted a civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's *in forma pauperis* application is incomplete because it failed to include a completed financial certificate and an inmate trust fund account statement for the previous six-month period.

Plaintiff must pay the required filing fee or file a complete application to proceed *in forma pauperis* to continue with this action. The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1), (2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 It is therefore ordered that Plaintiff's incomplete application to proceed *in forma*
2 *pauperis* (ECF No. 1) is denied without prejudice.

3 It is further ordered that Plaintiff has **until March 24, 2025**, to either pay the full
4 \$405 filing fee or file (1) a completed application to proceed *in forma pauperis* with the
5 inmate's two signatures on page 3, (2) a completed financial certificate that is signed both
6 by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund
7 account statement for the previous six-month period.

8 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
9 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
10 to refile the case with the Court, under a new case number, when Plaintiff can file a
11 complete application to proceed *in forma pauperis* or pay the required filing fee.

12 The Clerk of the Court is directed to send Plaintiff the approved form application to
13 proceed *in forma pauperis* for an inmate and instructions for the same, and to retain the
14 complaint (ECF No. 1-1) but not file it at this time.

15
16
17 DATED: January 21, 2025

18 
19 _____
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27